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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,440	02/25/2000	Kathleen Tyson-Quah	126-001USA000	7934
7590	11/29/2005			EXAMINER POINVIL, FRANTZY
Thomas J Perkowski Esq Soundview Plaza 1266 East Main Street Stamford, CT 06902			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/513,440	TYSON-QUAH, KATHLEEN
	Examiner Frantzy Poinvil	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 March 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 106-113, 128, 129, 135-142 and 154 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 106-113, 128, 129, 135-142 and 154 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

Claims 108 and 139 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 108 recites a routine without clearly providing any hardware to execute the routine.

Claim 139 is a method claim, which improperly depends on a system claim 135.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 106-113, 128-129, 135-142 and 154 are rejected under 35 U.S.C. 102(b) as being anticipated by McCoy et al. (US Patent No. 5,649,116).

As per claims 106 and 108, McCoy et al disclose a system and method for managing risk in a payment-based transaction. The system comprise a payment bank subsystem (figure 1) operated by a bank that processes a payment-based transaction wherein a payment is made from an account holder to a Counterparty, wherein the payment bank subsystem includes a queue storing a first instruction authorizing

payment from the account holder to the counterparty during processing of the transaction (column 4, lines 31-49);

A module, integrated with the payment bank subsystem, that stores at least one user-supplied risk parameter associated with the account holder, and includes a risk filter routine that operates during processing of the transaction to determine whether to selectively reject payment authorized by the first instruction stored in the queue based upon the at least one user-supplied risk parameter associated with the counterparty (column 5, lines 5-19) wherein the risk filter routine returns the first instruction to the payment queue for later reevaluation. See column 4, line 57 to column 5, line 4 of McCoy et al.

As per claim 109, the system of McCoy et al tracks and maintains records on a plurality of accounts held by an account holder. Account holders usually perform transactions, including debiting, crediting and payments as McCoy et al teach computing an available balance over a given time period based upon payments made by the account holder in the given time period and payments received by the account holder in the given time period. See column 7, lines 52-58 of McCoy et al.

As per claims 110-112, McCoy et al teach increasing the account holder's limit to perform a transaction. Recomputing the available balance to reflect updates is inherent in the system of McCoy et al in order to obtain the true balance of the accounts held by an account holder.

As per claim 113, the module communicates to the payment bank subsystem via an application-to-application interface, which translates data formats between the module, and payment bank subsystem. See figure 1 of McCoy et al.

As per claim 107 see column 7, lines 27-62 of McCoy et al.

As per claim 128 see column 7, lines 1-62 and figure 1 of McCoy et al.

As per claim 129, see column 8, lines 25-44 of McCoy et al.

As per claims 135-142 and 154, McCoy et al teach the system maintains and tracks a profile of an account holder having various limits for performing a transaction and authorization procedures for authorizing a transaction and messages comprise SWIFT messages. See figure 1 of McCoy et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Frantzy Poinvil  
Primary Examiner  
Art Unit 3628**

FP  
October 22, 2005